

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JAMES MARLIN, JACLYN MARLIN, and)	
CLARENCE W. OLIVER JR., <i>on behalf of</i>)	
<i>themselves and all others similarly situated,</i>)	Case No. 5:23-CV-1621
)	
Plaintiffs,)	Judge Benita Y. Pearson
)	
v.)	
)	
ASSOCIATED MATERIALS, LLC,)	
)	
Defendant.)	

DEFENDANT ASSOCIATED MATERIALS, LLC'S MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT
PURSUANT TO RULES 12(b)(1) AND 12(b)(6)

Pursuant to Rules 12(b)(1) and 12(b)(6) of the *Federal Rules of Civil Procedure*, Defendant Associated Materials, LLC moves the Court for an order dismissing all claims (and, thus, the First Amended Complaint) filed by Plaintiffs James Marlin, Jaclyn Marlin and Clarence W. Oliver Jr. for lack of standing and for failure to state a claim upon which relief can be granted. Grounds for this motion are set forth in the accompanying Memorandum of Law.

[Signatures on the following page]

Dated: March 22, 2024

Respectfully submitted,

/s/ John Q. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2024, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to the following via email:

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By: /s/ John Q. Lewis
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